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[Signature]

S&H Form: (10/03)
Attorney Docket No. 826.1791

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Nobuyuki NEMOTO et al.

Application No.: 10/078,488

Group Art Unit: 2633

Filed: February 21, 2002

Examiner: Agustin Bello

For: CONTROLLING SYSTEM FOR USE WITH VARIABLE ATTENUATORS

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attention: After Final

Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed September 20, 2005 finally rejecting claims 3-5 and 8-10.

The items checked below are appropriate:

1. EXTENSION OF TIME PETITION AND FEE

X Attached is a petition for a second-month extension
of time for reply to the final rejection. \$ 330.00

2. APPEAL FEE

X Other than a small entity 500.00

02/22/2006 SZEWDIE1 00000055 10078488

TOTAL FEE \$ 830.00

01 FC:1401 500.00 DP

02/22/2006 SZEWDIE1 00000055 10078488

02 FC:1252 330.00 DP

3. PAYMENT

X Check attached for the total fee of \$ 830.00.

X Charge Account 19-3935 for any fee deficiency.

Respectfully submitted,

STAAS & HALSEY LLP

Dated: February 21, 2006

By: 

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